

CITY COUNCIL REPORT



MEETING DATE: August 30, 2005

ITEM NO. 15 GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT 90th & Cactus - 8-ZN-2005

REQUEST

Request:

1. To rezone from Single Family Residential District (R1-35) to Single Family Residential District, Planned Residential District (R1-18 PRD) with amended development standards on a 6.83 +/- acre parcel at the northeast corner of 90th Street and Cactus Road.
2. To adopt Ordinance No. 3635 affirming the above rezoning and amended development standards.

Key Items for Consideration:

- Both the existing and proposed zoning districts are consistent with the General Plan and Cactus Corridor Area Study.
- The proposal replaces equestrian property with a single-family subdivision.
- This request increases the number of homes currently allowed on the property from 7 to 11.
- Impacts to traffic, infrastructure, and other services will be negligible.
- There is no known opposition.
- Planning Commission recommended approval as stipulated, 5-0.

Related Policies, References:

City General Plan
Cactus Corridor Area Study (attached)

OWNER

Earlie Homes
602-954-9525

APPLICANT CONTACT

John Berry
Berry & Damore, LLC
480-385-2727

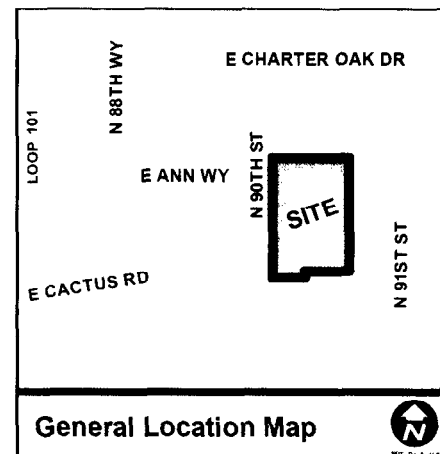
LOCATION

Northeast corner of 90th Street &
Cactus Road (9002 & 9024 Cactus)

BACKGROUND

General Plan.

The General Plan Land Use Element designates the property as Suburban Neighborhoods (see Attachment #3). This category includes medium-lot to small-lot single-family subdivisions with densities between 1 house per acre and 8 houses per acre. The existing zoning allows densities consistent with the General Plan, and the proposed rezoning would also be consistent with the General Plan.



Cactus Corridor Area Study.

The 1992 Cactus Corridor Area Study focuses on the area generally bounded by Sweetwater Avenue to the north, Frank Lloyd Wright Boulevard to the east, Shea Boulevard to the south, and Pima Road (101 Freeway) to the west. The Study recommends a suburban character west of 96th Street and a rural character east of 96th Street. Specifically, the subject property is in a designated "Suburban" area. Both the existing and proposed zoning are consistent with the Cactus Corridor Area Study. (See attached study and graphic depicting the site and it's location within the study area; Attachment #10)

Since 1991, there have been several rezoning cases of R1-35 properties to R1-35 PRD, R1-18 PRD, and R1-10 PRD in the Cactus Corridor area. These are shown on Attachment #11.

Zoning.

The site is currently zoned Single Family Residential District (R1-35). The R1-35 zoning district allows for 35,000-square-foot, or larger, residential lot sizes. The PRD designation allows the development standards to be amended to allow for more context-appropriate development to occur.

Context.

The property consists of a 2.6-acre lot and a 3.5-acre lot located at the northeast corner of Cactus Road and 90th Street. This property is relatively flat with residential and equestrian-related structures. The property is surrounded by single-family home developments to the north, west, and south that have a density approximating 2 homes per acre. Abutting the site to the east is a 3-acre church property. To the southwest across Cactus Road is a senior residential care facility. There do also exist equestrian properties 1,000 feet east of this site, and a 12-foot wide equestrian easement lies north of the property.

Surrounding Area

	Land Use	Zoning	Density
North	Single-family homes	R1-18 PRD	2.1 homes per acre
East	Church	R1-35	Not applicable
South	Single-family homes	R1-18 PRD	2.2 homes per acre
West	Single-family homes	R1-18 PRD	1.9 homes per acre

**APPLICANT'S
PROPOSAL**

Goal/Purpose of Request.

This is a request to rezone the property from the R1-35 District to the Single Family Residential, Planned Residential Development District (R1-18 PRD) to develop the site with 11 single-family residential lots. One private drive is proposed from 90th Street in alignment with Ann Way to the west, and no access will be provided from Cactus Road. The applicant is proposing the PRD district in order to amend the development standards to accommodate the proposed housing product and specific neighborhood character. The proposed amended standards include a reduction of the lot size, widths, and setbacks. The PRD proposal also includes a minimum 10-foot-wide landscape buffer along Cactus Road, a minimum 5-foot wide landscape buffer along 90th Street,

and open space tracts at the entrance of the property and at the Cactus Road/90th Street intersection.

Development information.

- *Parcel Size:* 6.8 gross acres (6.1 net acres)
- *Existing Use:* Ranch
- *Proposed Use:* 11 single-family homes
- *Proposed Density:* 1.6 homes per acre (gross)
- *Building Height Allowed:* 30 feet
- *Street Access:* Private street from 90th Street
- *Open Space:* 32,000 sq.ft. +/- (along Cactus/90th St.)

IMPACT ANALYSIS

Density.

Both the existing R1-35 zoning district and the proposed R1-18/PRD are consistent with the General Plan's Suburban Neighborhoods designation and the Cactus Corridor Area Study. The adjacent single-family homes combined with nearby equestrian properties give this area a unique neighborhood character that combines the rural and the suburban lifestyles. A General Plan Guiding Principle and goal of the General Plan's Neighborhoods Element is to preserve and enhance the unique sense of neighborhood found in diverse areas. The proposed R1-18/PRD zoning district and density of 1.6 homes per acre is consistent with zoning districts and densities of the surrounding neighborhoods.

Planned Residential District (PRD)/Amended Development Standards.

The purpose of the PRD is to encourage imaginative and innovative planning of residential neighborhoods; to encourage the preservation of open space and significant natural features; to offer a wide variety of dwelling unit types; to promote greater flexibility in design of residential neighborhoods; and to enable the development of parcels of property that would be difficult to develop under conventional zoning and subdivision regulations.

The applicant requests amended development standards with the justification that the amended standards will produce a living environment, landscape quality and lifestyle superior to that produced by the existing standards. The proposed amended standards include a reduction of the lot sizes, widths, and setbacks, and will not increase the base density allowed on the property. The result of modified lot widths and setbacks allow opportunities for landscaped buffers along Cactus Road and 90th Street, and open space tracts at the entrance of the property and at the Cactus Road/90th Street intersection. (see Amended Development Standards; Attachment #6)

Zoning Ordinance Section 6.213 requires buildings to be set back from the perimeter property line a distance at least as much as the required rear yard or perimeter setback of the adjacent district. The rear yard setbacks for Lots 1, 2, and 3, as shown on the site plan, shall not be reduced less than 30 feet (based on the rear yard setback approved for the Scottsdale Mountain View Estates Unit II located adjacent to this property to the north).

The proposed site layout is consistent with neighboring properties in terms of density, orientation, and the proposed amended development standards are also comparable with the development standards of the surrounding neighborhoods. In addition to the general PRD requirement that homes be limited to one-story within fifty feet of an adjacent lot having a one-story home, the applicant has agreed to limit all homes to one story (see Stipulation #4 on Attachment #4).

Traffic.

One private drive is proposed from 90th Street in alignment with Ann Way to the west, and no access will be provided from Cactus Road. The proposed rezoning from R1-35 to R1-18 would result in an increase of 4 lots, from 7 lots to 11 lots. The daily trip generation would increase from an estimated 90 trips to 136 trips, a net increase of 46 trips. This small increase of traffic is not anticipated to impact either 90th Street or Cactus Road.

Cactus Road is classified as a major collector in the City's Streets Master Plan. The City will soon be widening the section of Cactus Road adjacent to the site to four lanes (with center lane/median), with construction planned to begin in October 2005. 90th Street is classified as a minor collector street, and is constructed with one lane in each direction with turn lanes at the Cactus Road intersection. There are no plans to widen 90th Street.

Drainage/Open Space/Trails.

There are no washes on the site, and the site plan proposes a retention basin at the southwest corner of the site. The retention basin will also serve as an open space amenity for the development, and augment the other landscaped tracts proposed along Cactus Road and 90th Street. A multi-use trail will be constructed on Cactus Road as part of the Cactus Corridor street improvements scheduled to begin later this year. No additional trails are needed.

Water/Sewer.

This infill development will connect to existing water and sewer lines, so there are no anticipated water or sewer service impacts.

Police/Fire.

The property is located in Police District 2, which is served by the 90th Street/Via Linda station. The nearest Fire Station is located at 90th Street/Via Linda, providing an anticipated fire response time of less than 5 minutes. Police and fire currently serve this area, so there are no anticipated police or fire service impacts.

Schools District comments/review.

Scottsdale Unified School District has been notified of this application and indicates that there are adequate school facilities to accommodate any additional students generated by the proposed rezoning.

Community Involvement.

The site has been posted with notification signs, and the surrounding property owners have been notified. The applicant has also held an open house regarding this project in June 2005. Based on concerns by the neighborhood regarding two-story homes and rooftop observation decks compromising

privacy of existing homes, the applicant has agreed to limit buildings to one story and prohibit observation decks. Comments supporting the application have been received, and there is no known opposition. (see Citizen Involvement; Attachment #7)

Community Impact.

The proposal replaces equestrian property with a single-family development having a density and layout consistent with the surrounding neighborhoods. The 3-acre church property to the east will be the only remaining R1-35 District, and be surrounded by single-family homes zoned R1-18 PRD District. One-story homes will not negatively impact existing homes or the church, and open space tracts along 90th Street and Cactus Road maintain an open character for the area. Impacts to traffic, infrastructure, and other services will be negligible.

**OTHER BOARDS AND
COMMISSIONS****Planning Commission.**

The Planning Commission heard this case on July 13, 2005. No one spoke at the hearing and the Planning Commission recommended approval as stipulated, 5-0.

**STAFF
RECOMMENDATION****Recommended Approach:**

Staff recommends approval, subject to the attached stipulations.

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

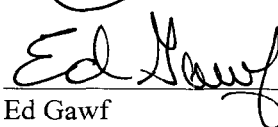
Tim Curtis, AICP
Project Coordination Manager
480-312-4210
E-mail: tcurtis@ScottsdaleAZ.gov

Randy Grant
Chief Planning Officer
480-312-7995
E-mail: rgrant@ScottsdaleAZ.gov

APPROVED BY


Randy Grant
Chief Planning Officer

8/15/05
Date


Ed Gawf
Deputy City Manager

8/15/05
Date

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Ordinance No. 3635
Exhibit 1. Stipulations
Exhibit 2. Zoning Map
Exhibit 3. Amended Development Standards
5. Additional Information
6. Amended Development Standards
7. Citizen Involvement
8. City Notification Map
9. Cactus Corridor Area Study
10. Area Zoning Map
11. July 13, 2005 Planning Commission Minutes
12. Site Plan

Earlie Homes

NWC 90th Street & Cactus

Area Plan Compatibility & PRD Narrative

Prepared for: Earlie Homes
3131 E. Clarendon
Phoenix, AZ 85016
David Brantner
602-954-9525

Prepared by: Berry & Damore
6750 E. Camelback Rd., Suite 100
Scottsdale, AZ 85215
John V. Berry Esq. / Joseph D. Goforth
480-385-2753

Drafted: April 1, 2005
Revised:

ATTACHMENT #1

8-ZN-2005
5-13-05

INTRODUCTION

Earlie Homes, an Arizona based luxury home builder, proposes to develop a detached single family subdivision on 6.85 gross acres located at the northwest corner of cactus Road and 90th Street (the "Property").

This request is to rezone the Property from R1-35 to R1-18 Planned Residential Development ("PRD"). The PRD overlay is intended to enable development of parcels that would otherwise be difficult to develop under existing zoning and subdivision regulations. The Property, a redevelopment infill parcel, is rectangular and improved with an existing single family residence, stables and equestrian related structures. The Property is surrounded on all sides by R1-18 PRD developments making the existing zoning and ranch/stable use inappropriate. Approval of this request will facilitate redevelopment of the property in a manner consistent with previously approved residential subdivisions deemed appropriate by the City of Scottsdale (the "City") in terms of density and development standards.

LAND USE & PLANNING

The Property is located in Planning Zone B, which includes the Scottsdale Airpark, one of the three largest employment centers in the metropolitan area according to the General Plan; it is designated as Suburban Neighborhood. The Suburban Neighborhood designation includes medium to small lot single-family subdivisions that are usually greater than one dwelling unit per acre but less than eight dwelling units per acre. This request at 1.86 dwelling units per acre is consistent with the General Plan and is less than the base density of 1.9 dwelling units per acre allowed in the R1-18 zoning district.

The Property is additionally located within the Cactus Corridor Area Study ("CCAS"), which specifically identifies areas west of 96th Street to be redeveloped from equestrian properties to suburban neighborhoods. The Property is not identified in the CCAS as requiring an equestrian street theme or gateway feature on Cactus Road.

Approval of this request fulfills the City's established planning goals by redeveloping an aged equestrian facility, which is in disrepair, into density appropriate semi-custom housing stock as dictated by the General Plan, the CCAS and the existing development abounding the Property.

PLANNED RESIDENTIAL DISTRICT

The PRD overlay is intended to allow modification to the underlying zoning district's development standard based a procedure enumerated in Sec. 6.206 of the City's Zoning Ordinance (the "Ordinance").

While the Ordinance provides a criterion to increase base density, this request does not avail itself of such an opportunity but does include elements that would otherwise qualify as factors justifying an increase over the base density allowed by right in the R1-18 zoning district.

The Ordinance requires that development occurring under the provision of the PRD option shall observe six (6) design criteria; they are:

1. An overall plan that is comprehensive and demonstrative of the interrelationships between land, buildings and landscaping.
2. That adequate open space, circulation, off-street parking and amenities be integrated and oriented (along with buildings) to relate to the topography and natural features of the site.
3. That development be compatible with existing and planned uses and circulation of adjoining properties and not constitute a disruptive element to the community.
4. That the internal street system not be the dominant feature of the overall design.
5. That common areas and recreational facilities be readily accessible to residents.
6. That development reflects an "architectural harmony" within the neighborhood so far as practicable.

This request satisfies the criteria established by the Ordinance. Despite the Property's relatively small land area and infill condition, the proposed development plan efficiently utilizes the property in a manner not otherwise achievable but not for the PRD option. In consideration for amended development standards to include a reduction in minimum lot area and setback requirements, substantial open space, amenities and architecture character are provided.

Open space is provided at a rate 30% greater than required. These areas include 24,000 square foot "pocket park" provide both active and passive open space and retention. 24 inch box mesquite and eucalyptus trees frame a landscaped open space feature into the community on the southwest corner of the Property at the intersection of Cactus Road and 90th Street. This design works with existing topography to provide essential storm water retention while creating an amenity for the benefit of residents and the community at large.

Attached hereto as Exhibit "A" is a comparison of previously approved developments abounding the Property with amended development standards as provided by the PRD option. This request provides approximately 2500 more square feet per lot than the average lot areas provided in the four comparable PRD's approved by the City. Front yard setbacks are consistent with previously approved development while greater side yard and distance between buildings are reflected in this request.

The semi-custom housing product proposed herein reflects the highest level of architectural design and integrates well with the character of existing residences in the vicinity.

CONCLUSION

The Property's existing zoning designation (R1-35) is neither compatible with existing surrounding development nor the CCAS. Due to the Property's relatively small size and considerable frontage along 90th street, amended development standards as provided by the PRD overlay are necessary to adequately redevelop this infill parcel.

While the project provides meaningful open space and interior amenities, both factors justifying and increase in base density, the developed proposed herein does not exceed the maximum base density permitted in the R1-18 zoning district.

A substantial landscaped setback along 90th street, averaging 60 feet in depth, creates an open space corridor while the lot lay out provides additional building setback along Cactus Road by orienting the rear yards towards this major collector. The Major Collector classification of Cactus Road and the Minor Collector classification of 90th Street further justify the amended development standards proposed herein due to traffic intensity. Additionally, by locating the pocket park in the location proposed, this relatively intense intersection is amenitized and beautified.

By not increasing the base density allowed by right, providing approximately 30% more open space than required and by requesting a reduction in minimum lot area and setbacks at a rate below the other existing PRD's in the vicinity, serious consideration for strong support of the request is appropriate.

Exhibit "A"

Earlie Homes

NEC 90th Street & Cactus

Comparative Analysis - R1-18 Amended Development Standards

Case/Location	Amended Development Standard	Lot Area	Lot Width	Building Height	Yard(front)	Yard(side)	Yard(rear)	Corner lot	DBB
44-ZN-94 NWC 92nd & Cactus		11000	100	30	20	7	20	10	14
73-Z-90 N/O NWC 90th & Cactus		12500	95	30	20	7	30	10	14
30-ZN-00 NEC Pima & Cactus		13000	96	30	20	7	25	20	14
30-ZN 00#2 NWC 90th & Cactus		13000	96	30	20	7	25	20	14
60-PA-2005 NEC 90th & Cactus		15000	100	30	20	10	20	10	20

Scottsdale Estates Development Standards

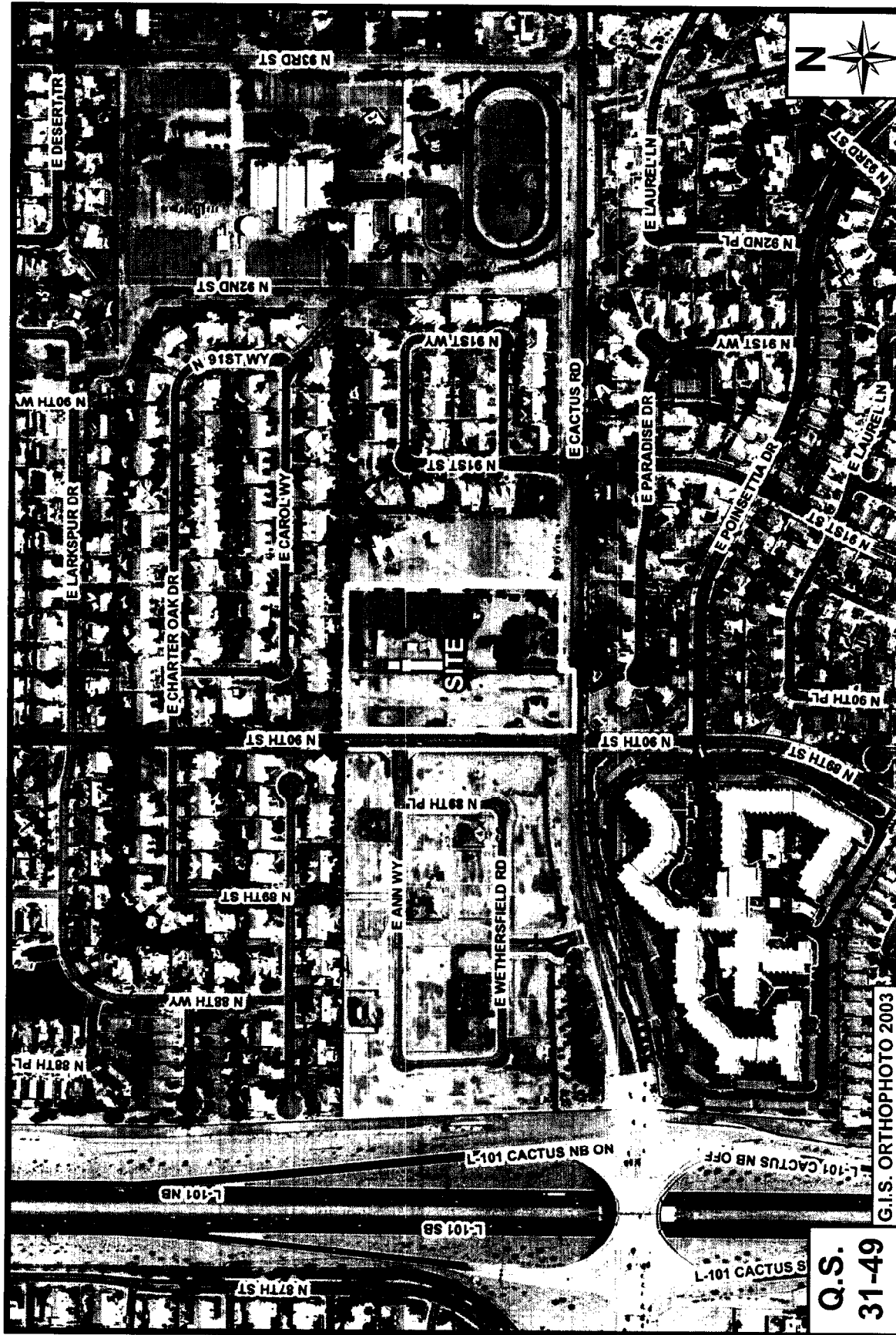
Proposed Development Standards R1-18 P.R.D.		
Development Standard	City Standard	Approved Standard
Lot Area	18,000	15,000
Lot Width	120'	100' *
Front Setback	35'	20'
Rear Setback	30'	20' **
Side Yard Setback	10'	10'
Street Side Yard Setback	15'	15'

* Flag lots shall have a minimum width of 20'; 10' if a shared driveway is used

** Lots 1, 2, & 3 will have a minimum rear yard setback of 30'

Additional notes:

1. All buildings shall be restricted to a maximum of one (1) story, and shall have no outside stairs or rooftop decks, roof top patios, observation towers, or balconies.
2. Accessory structures shall not exceed fifteen (15) feet in height and fifteen (15) feet in width and shall be setback a minimum of ten (10) feet from the rear property line.
3. There shall be no awnings or other permanent building extensions allowed to penetrate the rear yard setback.
4. There shall be no decks, patios, or towers associated with observation or any other purpose allowed above grade on the primary structure or any accessory structures, nor shall there be any exterior staircases or other access provided to any roofs on the property.



8-ZN-2005

ATTACHMENT #2

90th & Cactus

Q.S.
31-49



Q.S.
31-49

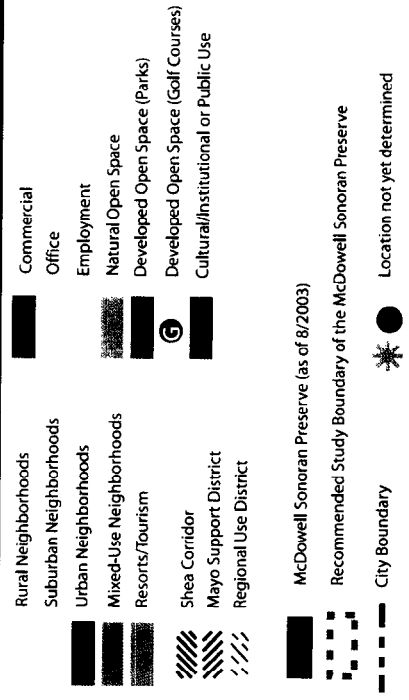
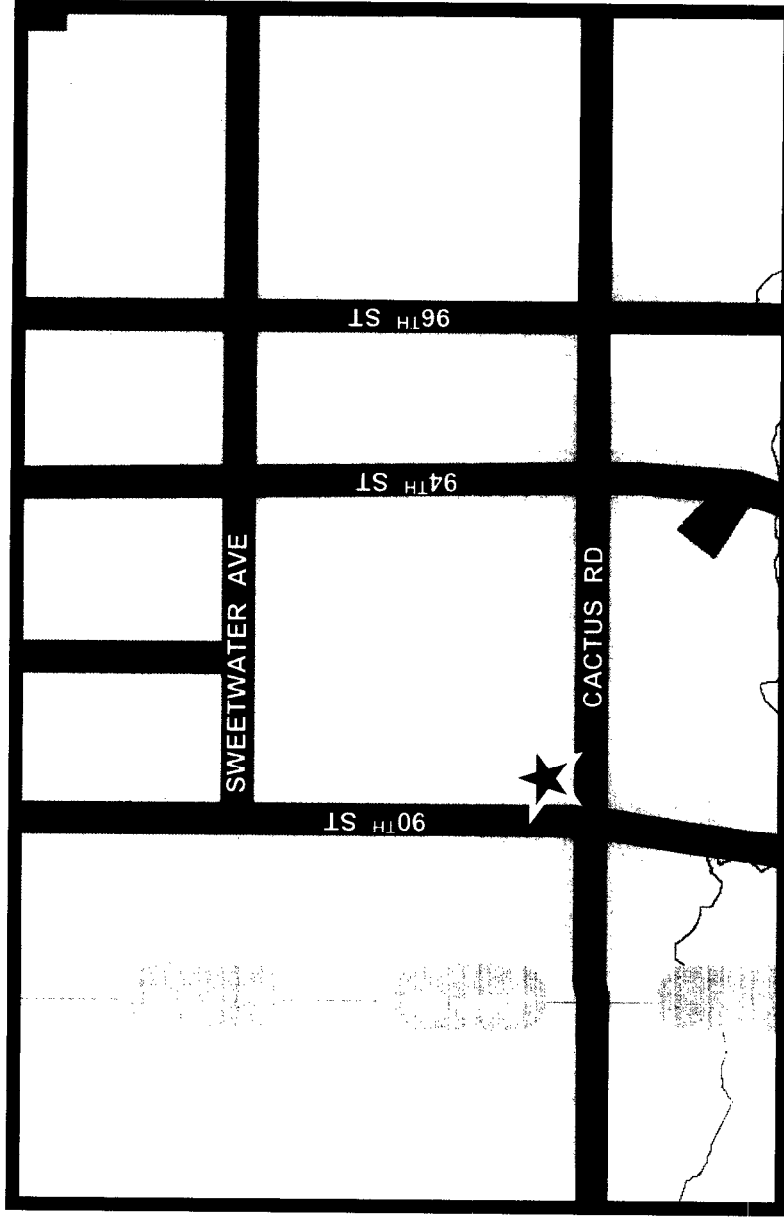
G.I.S. ORTHOPHOTO 2003

90th & Cactus

8-ZN-2005

ATTACHMENT #2A

General Plan



8-ZN-2005
ATTACHMENT #3

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of May 2004
revised to reflect General Plan amendments through June 2004

ORDINANCE NO. 3635

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 8-ZN-2005 TO REZONE FROM R1-35 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R1-18 PRD (SINGLE FAMILY RESIDENTIAL DISTRICT PLANNED RESIDENTIAL DEVELOPMENT DISTRICT) INCLUDING AMENDED DEVELOPMENT STANDARDS ON A 6.83+/- ACRE PARCEL LOCATED ON THE NORTHEAST CORNER OF 90TH STREET AND CACTUS ROAD.

WHEREAS, Planning Commission and City Council have held public hearings and considered Case No. 8-ZN-2005; and

WHEREAS, the Council of the City of Scottsdale wishes to amend the comprehensive zoning map of the City of Scottsdale for this property;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows:

Section 1. That the "District Map" adopted as part of the Zoning Ordinance of the City of Scottsdale, showing the zoning district boundaries, is amended as follows:

The 6.83+/- acre parcel located on the northeast corner of 90th Street and Cactus Road (the "Property"), as illustrated on the zoning map attached hereto as Exhibit #2, and incorporated herein by reference, currently zoned as R1-35 (Single Family Residential District) is changed to R1-18 PRD (Single Family Residential District, Planned Residential Development District).

Section 2. That the development standards for the Property are hereby amended, as set forth in the Amended Development Standards, attached hereto as Exhibit #3 and incorporated herein by reference.

Section 3. That the above rezoning approval is conditioned upon compliance with all stipulations attached hereto as Exhibit #1 and incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 30 day of August, 2005.

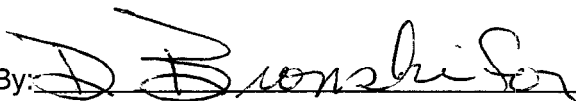
ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
Mary Manross
Mayor

APPROVED AS TO FORM:

By:  _____
Deborah Robberson
Acting City Attorney

STIPULATIONS FOR CASE 8-ZN-2005

PLANNING/ DEVELOPMENT

1. **CONFORMANCE TO CONCEPTUAL SITE PLAN.** Development shall conform with the conceptual site plan submitted by Brooks Engineers & Surveyors, Inc. and dated 5/16/2005. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. **MAXIMUM DWELLING UNITS.** The number of dwelling units on the site shall not exceed eleven (11) without subsequent public hearings before the Planning Commission and City Council.
3. **CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS.** Development shall conform with the amended development standards shown in Attachment 7, subject to the following:
 - a. Flag lots shall be permitted having a minimum width of twenty (20) feet. (Exception: ten-foot minimum width may be allowed with shared driveways)
 - b. Rear yard setbacks for Lots 1, 2, and 3, as shown on the site plan, shall not be reduced less than 30 feet, pursuant to Zoning Ordinance Section 6.213.
 - c. Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council.
 - d. There shall be no decks, patios, or towers associated with observation or any other purpose allowed above grade on the primary structure or any accessory structures, nor shall there be any exterior staircases or other access provided to any roofs on the property.
 - e. There shall be no awnings or other permanent building extensions allowed to penetrate the rear yard setback.
 - f. Accessory structures shall not exceed fifteen (15) feet in height and fifteen (15) feet in width and shall be setback a minimum of ten (10) feet from the rear property line.
4. **BUILDING HEIGHT LIMITATIONS.** All buildings shall be restricted to a maximum of one (1) story, and shall have no outside stairs or rooftop decks, roof top patios, observation towers, or balconies.
5. **OPEN SPACE:** With the Preliminary Plat submittal, the developer shall submit a plan providing a minimum of 32,000 square feet of landscaped open space, including a minimum five (5) foot wide landscaped tract along 90th Street and a minimum ten (10) foot wide landscaped tract along Cactus Road. Open space in Tracts A and B as shown on the site plan shall be visible from the adjacent public streets, subject to Development Review Board approval.
6. **PERIMETER WALLS.** With the Preliminary Plat submittal, the developer shall submit a plan showing wall corners along 90th Street and Cactus Road to provide openness and visibility around these corners, subject to Development Review Board approval.
7. **UTILITY LINES.** With this development, the developer shall be responsible for removing/burying all existing above ground utility lines and poles along the site's Cactus Road frontage.

CIRCULATION

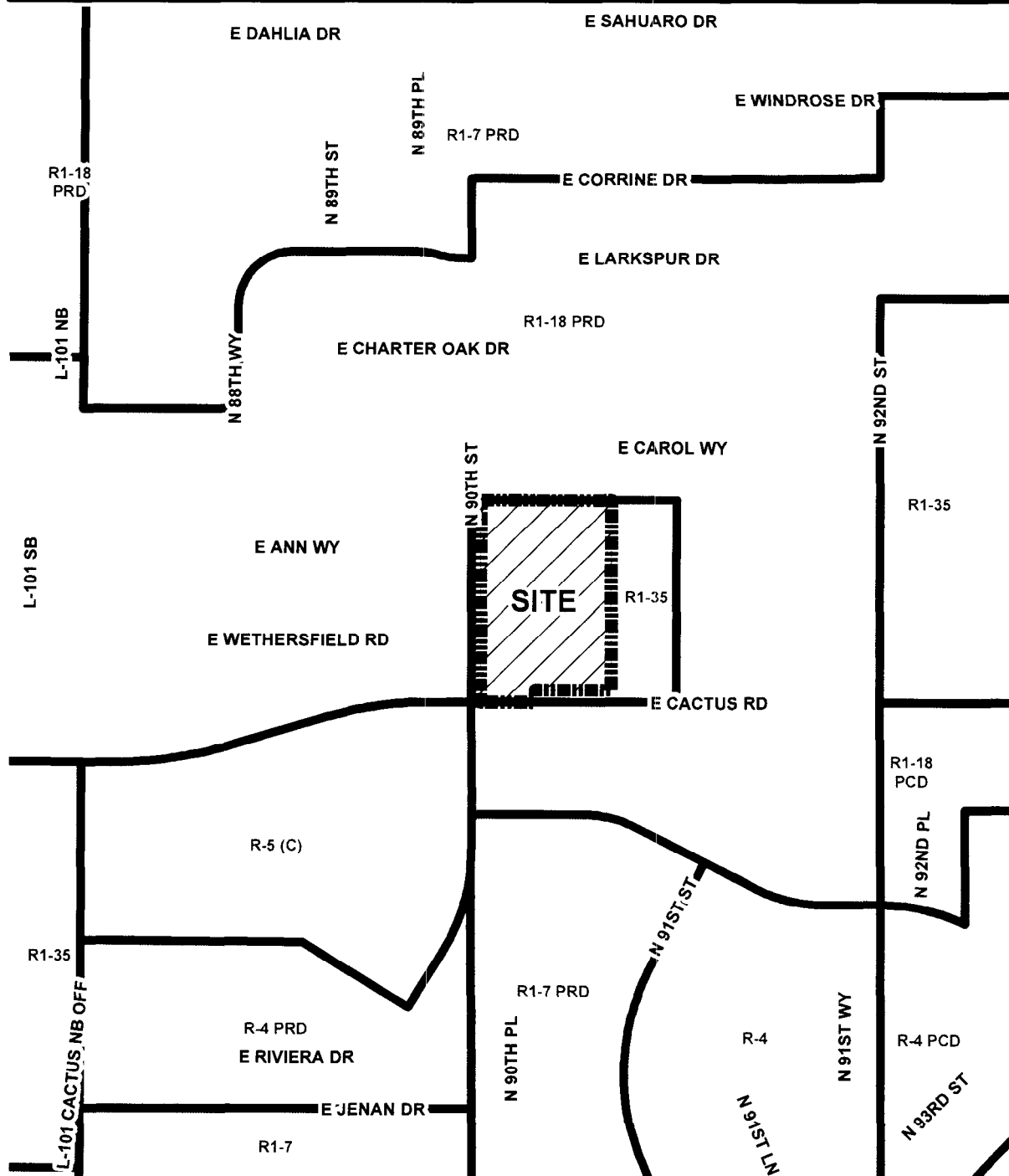
1. **STREET CONSTRUCTION.** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the following right-of-way and construct the following street

improvements, in conformance with the Design Standards and Policies Manual:

Street Name/Type	Dedications	Improvements	Notes
<i>90th Street/Minor Collector</i>	<i>Existing 30 ft. r.o.w.</i>	<i>Existing</i>	
<i>Cactus Road/ Major Collector</i>	<i>50 ft. r.o.w.</i>	<i>Payment in lieu per Fig 3.1-5 Major Collect Street in the City of Scottsdale DSPM.</i>	<i>See note "a" below</i>
<i>Internal streets/local residential</i>	<i>46 ft private tract</i>	<i>Full street construction per Fig 3.1-6, local residential street in the City of Scottsdale DSPM.</i>	<i>See note "b" below</i>

- a. The developer shall provide an in-lieu payment for Cactus Road half street improvements. The half street improvements shall consist of one traffic lane, vertical curb and gutter and 8 ft wide sidewalk, per the major collector street standard, plus cost to bury overhead power lines along the cactus road site frontage.
 - b. The streets for this site shall be designed and constructed to the local residential requirements of the City of Scottsdale D. S. & P. M. Five-foot wide sidewalks are required on both sides of the local residential streets.
2. **IN LIEU PAYMENTS.** At the direction of city staff, before issuance of any building permit for the site, the developer shall not construct the street improvements specified by the **Notes** in the stipulation above, but shall make an in lieu payment to the city. Before any final plan approval, the developer shall submit an engineer's estimate for plan preparation, design and construction costs. The in lieu payment shall be based on this estimate, plus five percent (5%) contingency cost and other incidental items, as determined by city staff.
 3. All future site plans shall show the preliminary Cactus Road street widening improvements. This is a City of Scottsdale capital improvement project and plans can be obtained from the City's CPM division.
 4. **ACCESS RESTRICTIONS.** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the necessary right-of-way, as determined by city staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines):
 - a. There shall be a maximum of one site entrance from 90th Street, which shall align with Ann Way to the west.
 - b. 90th Street and Cactus Road - The developer shall dedicate a one-foot wide vehicular non-access easement on these streets except at the approved street entrance on 90th Street.

Rezone from Single Family Residential District (R1-35) to Single Family Residential District, Planned Residential District (R1-18 PRD) with amended development standards.



8-ZN-2005

EXHIBIT 2



AMENDED DEVELOPMENT STANDARDS FOR 8-ZN-2005

Revised language shown in bold and ~~strike-through~~

Sec. 5.300. (R1-18) SINGLE-FAMILY RESIDENTIAL DISTRICT.

Sec. 5.301. Purpose.

This district is intended to promote and preserve residential development. Lot size is such that a low density of population is still maintained. Land use is composed chiefly of individual homes, together with required recreation, religious and educational facilities as the basic elements of a balanced neighborhood.

Sec. 5.302. Use regulations.

A. *Permitted uses.* Buildings, structures or premises shall be used and building and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Any use permitted in the (R1-43) single-family residential district. (see section 5.102A).

B. *Permitted uses by conditional use permit.* Any use permitted by conditional use permit in the (R1-43) single-family residential district. (see section 5.102B).

(Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03)

Sec. 5.303. Approvals required.

Prior to development of any municipal use, or any use requiring a conditional use permit, Development Review Board approval shall be obtained as outlined in article I, section 1.900 hereof.

(Ord. No. 3225, § 1, 5-4-99)

Sec. 5.304. Property development standards.

The following property development standards shall apply to all land and buildings in the R1-18 district:

A. *Lot area.*

1. Each lot shall have a minimum area of not less than ~~eighteen thousand (18,000)~~ **fifteen thousand (15,000)** square feet.
2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.

B. *Lot dimensions.*

1. Width. All lots shall have a minimum width of one hundred twenty (120) feet.

C. *Density.* There shall not be more than one (1) single-family dwelling unit on any one (1) lot.

D. *Building height.* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII.

E. *Yards.*

1. Front Yard.

- a. There shall be a front yard having a depth of not less than ~~thirty-five (35)~~ **twenty (20)** feet.
 - b. Where lots have a double frontage on two (2) streets, the required front yard of ~~thirty-five (35)~~ **twenty (20)** feet shall be provided on both streets.
 - c. On a corner lot, the required front yard of ~~thirty-five (35)~~ **twenty (20)** feet shall be provided on each street. *Exception:* On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.
2. Side Yard. There shall be a side yard on each side of a building having a width of not less than ten (10) feet.
 3. Rear Yard. There shall be a rear yard having a depth of not less than ~~thirty (30)~~ **twenty (20)** feet.
 4. Other requirements and exceptions as specified in article VII.
- F. *Distance between buildings.*
1. There shall be not less than ten (10) feet between an accessory building and the main building.
 2. The minimum distance between main buildings on adjacent lots shall not be less than twenty (20) feet.

G. *Buildings, walls, fences and landscaping.* Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard, except as provided in article VII. The height of the wall or fence is measured from the inside of the enclosure. *Exception:* Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard facing the side street need only conform to the side yard requirements.

H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. No. 2509, § 1, 6-1-93)

Sec. 5.305. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.306. Signs.

The provisions of article VIII shall apply.

ADDITIONAL INFORMATION FOR CASE 8-ZN-2005

PLANNING/DEVELOPMENT

1. **FINAL LOT LOCATION.** The specific location of each lot shall be subject to Development Review Board approval.
2. **SETBACKS.** Zoning Ordinance Section 6.213 requires buildings to be set back from the perimeter property line a distance at least as much as the required rear yard or perimeter setback of the adjacent district. Rear yard setbacks for Lots 1, 2, and 3, as shown on the site plan, shall not be reduced less than 30 feet (based on the rear yard setback approved for the Scottsdale Mountain View Estates Unit II located adjacent to this property to the north).
3. **DEVELOPMENT REVIEW BOARD.** The City Council directs the Development Review Board's attention to:
 - a. Perimeter wall design, especially wall corners along Cactus Road and 90th Street,
 - b. Improvement plans for common open space, common buildings and/or walls, and amenities such as ramadas, landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included).
 - c. Stormwater management systems,
 - d. Pedestrian access to 90th Street and Cactus Road, and
 - e. Landscaping.
4. **NOTICE TO PROSPECTIVE BUYERS.** The developer shall give the following information in writing to all prospective buyers of lots on the site:
 - a. The closest distance from the lot to the midpoint of the Scottsdale Airport runway.
 - b. The development's private streets shall not be maintained by the city.
 - c. The city shall not accept any common areas on the site for ownership or maintenance.
5. **NATIVE PLANT PRESERVATION.** The owner shall secure a native plant permit as defined in the Scottsdale Revised Code for each parcel. City staff will work with the owner to designate the extent of the survey required within large areas of proposed undisturbed open space. Where excess plant material is anticipated, those plants shall be offered to the public at no cost to the owner in accordance with state law and permit procedure or may be offered for sale.

ENGINEERING

1. **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE.** The developer shall be responsible for all improvements associated with the development. Improvements shall include, but not be limited to, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
2. **FEES.** The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.
3. **STREET CONSTRUCTION STANDARDS.** The streets for the site shall be designed and

constructed to the standards in the Design Standards and Policies Manual.

4. CITY CONTROL OF ACCESS. The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.
5. PRIVATE STREET CONSTRUCTION. All private streets shall be constructed to full public street standards, except equivalent construction materials or wider cross-sections may be approved by city staff. In addition, all private streets shall conform to the following requirements:
 - c. No internal private streets shall be incorporated into the city's public street system at a future date unless they are constructed, inspected, maintained and approved in conformance with the city's public street standards. Before any lot is sold, the developer shall record a notice satisfactory to city staff indicating that the private streets shall not be maintained by the city.
 - d. Before issuance of any certificate of occupancy for the site, the developer shall post access points to private streets to identify that vehicles are entering a private street system.
 - e. Secured access shall be provided on private streets only. The developer shall locate security gates a minimum of 75 feet from the back of curb to the intersecting street. The developer shall provide a vehicular turn-around between the public street and the security gate.

DRAINAGE AND FLOOD CONTROL

1. CONCEPTUAL DRAINAGE REPORT. With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall conform to the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the conceptual drainage report and plan shall:
 - a. Identify all major wash corridors entering and exiting the site, and calculate the peak discharge (100-yr, 6-hr storm event) for a pre- versus post-development discharge comparison of ALL washes which exit the property.
 - b. Determine easement dimensions necessary to accommodate design discharges.
 - c. Demonstrate how the storm water storage requirement is satisfied, indicating the location, volume and drainage area of all storage.
 - d. Include flood zone information to establish the basis for determining finish floor elevations in conformance with the Scottsdale Revised Code.
 - e. Include a complete description of requirements relating to project phasing.
2. FINAL DRAINAGE REPORT. With the improvement plan submittal to the Plan Review Division, the developer shall submit a final drainage report and plan subject to city staff approval. The final drainage report and plan shall conform to the Design Standards and Policies Manual - Drainage Report and Preparation. In addition, the final drainage report and plan shall:
3. STORM WATER STORAGE REQUIREMENT. The developer shall construct stormwater storage facilities to store the full stormwater runoff from the 100 year, 2 hour storm event. Before submitting improvement plans to the Plan Review Division, the developer shall submit a final drainage report and plan which calculates the storm water storage volume required, V_r , and the volume provided, V_p , using the 100-year, 2-hour storm event.
4. STORM WATER STORAGE EASEMENTS. With the Development Review Board submittal, the developer shall submit a site plan subject to city staff approval. The site plan shall include and identify tracts with easements dedicated for the purposes of storm water storage, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual.

5. **DRAINAGE EASEMENTS.** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all drainage easements necessary to serve the site.

WATER

1. **BASIS OF DESIGN REPORT (WATER).** Before the improvement plan submittal to the Plan Review Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:
 - a. Need to consider looping waterline; check waterline in Cactus and 90th Street.
 - b. Identify the location, size, condition and availability of existing water lines and water related facilities such as water valves, water services, fire hydrants, back-flow prevention structures, etc.
 - c. Identify the timing of and parties responsible for construction of all water facilities.
 - d. Include a complete description of requirements relating to project phasing.
2. **APPROVED BASIS OF DESIGN REPORT.** Before the improvement plan submittal to the Plan Review Division, the developer shall have obtained approval of the Basis of Design Report.
3. **NEW WATER FACILITIES.** Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all water lines and water related facilities necessary to serve the site. Water line and water related facilities shall conform to the city Water System Master Plan.
4. **WATERLINE EASEMENTS.** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code the Design Standards and Policies Manual, all water easements necessary to serve the site.

WASTEWATER

1. **BASIS OF DESIGN REPORT (SANITARY SEWER).**). Before the improvement plan submittal to the Plan Review Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:
 - a. The developer may connect this project's sewer line into sewerline directly to the south rather than into the Miller Road sewerline. This would require a sewer easement from the adjacent property owner.
 - b. Identify the location of, the size, condition and availability of existing sanitary sewer lines and wastewater related facilities.
 - c. Identify the timing of and parties responsible for construction of all sanitary sewer facilities.
 - d. Include a complete description of requirements relating to project phasing.
2. **APPROVED BASIS OF DESIGN REPORT.** Before the improvement plan submittal to the Plan Review Division, the developer shall have obtained approval of the Basis of Design Report.

3. **NEW WASTEWATER FACILITIES.** Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all sanitary sewer lines and wastewater related facilities necessary to serve the site. Sanitary sewer lines and wastewater related facilities shall conform to the city Wastewater System Master Plan.
4. **SANITARY SEWER EASEMENTS.** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all sewer easements necessary to serve the site.

OTHER REQUIREMENTS

1. **ENVIRONMENTAL PROTECTION AGENCY (EPA) REQUIREMENTS.** All construction activities that disturb five or more acres, or less than five acres if the site is a part of a greater common plan, shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. [NOI forms are available in the City of Scottsdale One Stop Shop, 7447 East Indian School Road, Suite 100. Contact Region 9 of the U.S. Environmental Protection Agency at 415-744-1500, and the Arizona Department of Environmental Quality at 602-207-4574 or at web site <http://www.epa.gov/region>.

The developer shall:

- a. Submit a completed Notice of Intent (NOI) to the EPA.
 - b. Submit a completed Storm Water Pollution Prevention Plan (SWPPP) to the EPA.
2. **NOTICE OF INTENT (NOI).** With the improvement plan submittal to the Plan Review Division, the developer shall submit a copy of the NOI.
 3. **SECTION 404 PERMITS.** With the improvement plan submittal to the Plan Review Division, the developer's engineer must certify that it complies with, or is exempt from, Section 404 of the Clean Water Act of the United States. [Section 404 regulates the discharge of dredged or fill material into a wetland, lake, (including dry lakes), river, stream (including intermittent streams, ephemeral washes, and arroyos), or other waters of the United States.]
 4. **DUST CONTROL PERMITS.** Before commencing grading on sites 1/10 acre or larger, the developer shall have obtained a Dust Control Permit (earth moving equipment permit) from Maricopa County Division of Air Pollution Control. Call the county 602-507-6727 for fees and application information.
 5. **UTILITY CONFLICT COORDINATION.** With the improvement plan submittal to the Plan Review Division, the developer shall submit a signed No Conflict form (not required for city owned utilities) from every affected utility company.
 6. **ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIREMENTS (ADEQ).** The developer shall be responsible for conformance with ADEQ regulations and requirements for submittals, approvals, and notifications. The developer shall demonstrate compliance with Engineering Bulletin #10 Guidelines for the Construction of Water Systems, and Engineering Bulletin #11 Minimum Requirements for Design, Submission of Plans, and Specifications of Sewerage Works, published by the ADEQ. In addition:
 - a. Before approval of final improvement plans by the Plan Review Division, the developer shall submit a cover sheet for the final improvement plans with a completed signature and date of approval from the Maricopa County Environmental Services Department (MCESD).

- b. Before issuance of encroachment permits by city staff, the developer shall provide evidence to city staff that a Certificate of Approval to Construct Water and/or Wastewater Systems has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
- c. Before commencing construction, the developer shall submit evidence to city staff that Notification of Starting Construction has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
- d. Before acceptance of improvements by the city Inspection Services Division, the developer shall submit a Certificate of Approval of Construction signed by the MCESD and a copy of the As-Built drawings.
 - (1). Before issuance of Letters of Acceptance by the city Inspection Services Division, the developer shall:
 - (2). Provide to the MCESD, As-Built drawings for the water and/or sanitary sewer lines and all related facilities, subject to approval by the MCESD staff, and to city staff, a copy of the approved As-Built drawings and/or a Certification of As-Built, as issued by the MCESD.
 - (3). Provide to the MCESD a copy of the Engineers Certificate of Completion with all test results, analysis results, and calculations, as indicated on the form.
 - (4). Provide to the MCESD a copy of the Request for Certificate of Approval of Construction of water and/or sanitary sewer lines with all appropriate quantities.
 - (5). Provide the city Inspection Services Division a copy of the Certificate of Approval of Construction, as issued by the MCESD.

DEVELOPMENT STANDARDS

SUBDIVISION NAME: 90th and Cactus
CASE #: 8-ZN-2005
ZONING R1-18-PRD

	ORDINANCE REQUIREMENTS	AMENDED STANDARDS
A. MIN. LOT AREA	18,000sf	15,000sf
B. MIN. LOT WIDTH		
1. Standard Lot	120'	100'
2. Flag Lot		20' (1)
C. MAXIMUM BUILDING HEIGHT	30'	30' (2)
D. MIN. YARD SETBACKS		
1. FRONT YARD		
• FRONT (to face of building)	35'	20'
• FRONT (to face of garage)	35'	20'
• FRONT (corner lot, side street)	35'	20'
• FRONT (corner lot, adjacent to key lot, side street)	35'	20'
• FRONT (double frontage)	35'	20'
2. SIDE YARD		
• Minimum	10'	No change
• Minimum aggregate	20'	No change
3. REAR YARD		
• Standard Depth	20'	20' (3)
E. DISTANCE BETWEEN BUILDINGS (MIN)		
1. Accessory & Main	10'	No change
2. Main Buildings/Adjacent Lots	20'	No change
F. MAXIMUM WALL HEIGHT		
1. FRONT	3'	No change
2. SIDE	8'	No change
3. REAR	8'	No change
G. APPLICABLE ZONING CASES		8-ZN-2005
H. NOTES & EXCEPTIONS		
(1) Exception: ten-foot minimum width may be allowed with shared driveways.		
(2) All buildings shall be restricted to a maximum of (1) one-story, and shall have no outside stairs or rooftop decks, roof top patios, observation towers, or balconies.		
(3) Rear yard setbacks for lots 1,2,3, shall be 30'		
(4) There shall be no decks, patios, or towers associated with observation or any other purpose allowed above grade on the primary structure or any accessory structures, nor shall there be any exterior staircases or other access provided to any roofs on the property.		
(5) There shall be no awnings or other permanent building extensions allowed to penetrate the rear yard setback.		
(6) Accessory structures shall not exceed fifteen (15) in height and fifteen (15) feet in width and shall be setback a minimum of ten (10) feet from the rear property line.		

Citizen Review Report
Scottsdale Estates - 6.3+/- Acres located on the Northeast corner of 90th Street & Cactus
Zoning Case # 60-PA-2005

1. An open house meeting was held on Tuesday, June 7, 2005 @ 7:30pm in Zuni Elementary School Cafeteria
2. Copies of letters dated 3/16/2005, 3/24/2005, 4/1/2005 and 4/4/2005 are attached introducing proposed subdivision along with copies of mailing labels indicated the number of mailings and addresses. Letter dated 5/23/2005 to announce Citizen Review Meeting is attached along with copies of mailing labels indicating the number of mailings (201) and addresses
3. Attached map showing 201 notified neighbors within a 750' radius of the proposed subdivision
4. Copy of Open House sign-in sheet, comment sheets provided by people who participated at open house meeting and spreadsheet including phone calls and comments by surrounding neighbors
5. Date stamped photo of sign posting and completed affidavit of sign posting

Summary

An open house meeting was held on Tuesday, June 7, 2005 to discuss the proposed rezoning application for 6.3 +/- acres located at the northeast corner of 90th Street and Cactus Roads in Scottsdale, Arizona. The meeting began at 7:30pm and was held at Zuni Elementary School Cafeteria located at 15000 North 92nd Street in Scottsdale, Arizona.

David Brantner, Vice President & Designated Broker of Earlie Homes opened the meeting and introduced Dan Earlie, President, who spoke of the background of Earlie Homes. David Brantner then discussed the proposed subdivision as follows:

- Parcel size: 15,000 - 17,000 square foot lots
- Set backs: 20/25 feet
- Single-level homes with no observation decks - No two story homes
- Tuscan style architecture
- Floor plans to be 3,800 + w/ basement options
- Gated community

A Question/Answer session was held as follows:

- Anticipated sales price \$800 - \$850K, expect \$1M+ with options/upgrades
- Lot premiums
- Target date for completion: Move dirt by end of 2005, 9 months - 1 year to build; 1.5 years from start to finish
- HOA Fees approx. \$100/month
- Allowable times for construction: Concrete allowed to start 7:00am in winter, 6:00am in summer; Limited number of Saturday hours; No generators on Sunday
- Discussion of possible Earnest Deposits: \$30-50K, no deposit on options/upgrades
- Ramada, no community pool

The meeting ended at 8:00pm. The attending neighbors were encouraged to fill out a Comment Card indicating their support of the proposal. 17 people attended the meeting, seven of which completed Comment Cards supporting the Scottsdale Estates project. Also attached are two emails from neighbors not in attendance supporting the project. There have been no objections or immediate issues/concerns/problems presented at this time.

3131 E. Clarendon Avenue, Suite 107
Phoenix, Arizona 85016
Office: 602/954-9525 • Fax: 602/954-0640 • earliehomes.com

earlie
H O M E S

ROC # 184488-B

May 23, 2005

RE: Scottsdale Estates, NEC 90th Street & Cactus Road, Pre-App # 60-PA-2005

Dear Property Owner or Interested Party:

Our company, Earlie Homes, is in the process of rezoning 6.83 acres on the Northeast corner of 90th Street & Cactus Road from R1-35 to R1-18 PRD. It is our intention to develop a new, single-family detached residential community.

Scottsdale Estates will consist of eleven, single level homes. Home sites in this gated community will range from 15,000 square feet to 17,000 square feet. Exterior architecture will have the popular Tuscan/Old World theme, similar to the new homes at DC Ranch and alike. Floor plans will range from 3,500 square feet up to 5,500 with optional basements. Anticipated construction will begin in Fall 2005.

We would like to invite you to an Open House meeting to discuss our development and rezoning submittal. The Open House will be held on Tuesday, June 7, 2005 at 7:30pm at Zuni Elementary School Cafeteria Bldg D, located at 15000 North 92nd Street, Scottsdale, Arizona 85260.

If you are unable to attend the Open House, please call with any questions or concerns you may have. Contact information for this development is as follows:

Earlie Homes
David Brantner
Office: (602) 954-9525
Cell: (602) 550-4399
Email: dbrantner@earliehomes.com

City of Scottsdale
Tim Curtis
Phone: (480) 312-4210
Email: tcurtis@scottsdaleaz.gov
Website: www.scottsdaleaz.gov/projects/ProjectsInProgress

Sincerely,



David E. Brantner
Vice President

DEB/tv

Enclosures

Curtis, Tim

From: Joseph Blackburn [jblackbourn@everestholdings.com]
Sent: Thursday, June 02, 2005 5:03 PM
To: tcurtis@scottsdaleaz.gov
Subject: FW: 90th and Cactus

Tim - Never mind. I found the site plan as sent by Earlie Homes.

Thanks. Looks great and I support the project as a nice potential addition to the neighborhood.

Joe Blackburn

-----Original Message-----

From: Joe Blackburn [mailto:jblackbourn@everestholdings.com]
Sent: Thursday, June 02, 2005 3:17 PM
To: 'tcurtis@scottsdaleaz.gov'
Subject: 90th and Cactus

Tim -

I received a notification at my home regarding the proposed rezoning at the NEC of 90th Street and Cactus Road.

Could you please provide some additional information so that we can be responsive in providing feedback?
Perhaps there is a preliminary site plan that can be reviewed.

Thanks.

Joe Blackburn
8972 East Charter Oak Dr.



C. Joseph Blackburn
Everest Holdings
7373 North Scottsdale Road
Suite A-200
Scottsdale, AZ 85253
480-860-6500
480-860-6508
jblackbourn@everestholdings.com
www.everestholdings.com

This message is intended only for the use of the individual or individuals named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or printing of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone at 480-860-6500 (or by reply e-mail) and delete this message. Thank you.

07/05/2005

David Brantner

From: Kim Panozzo [kimpanozzo@cox.net]
Sent: Wednesday, June 08, 2005 3:00 PM
To: dbrantner@earliehomes.com
Subject: 90th Street/Cactus

I own a home at 9103 E. Paradise Drive and I think your new development will only help increase my property value!

I would like to be placed on your interest list as I have a client that is interested in owning a home in your development.

Thank you,

Kim Panozzo, PLLC
Realtor, ABR, GRI, MRE
Dan Schwartz Realty, Inc.
kimpanozzo@cox.net
www.KimSellsAzHomes.com
602-526-0118 - Phone
480-513-3701 - Fax

5.31.05

From: webserver@earliehomes.com
Sent: Friday, May 27, 2005 2:20 PM
To: dbrantner@earliehomes.com
Subject: Comments/Questions from "Contact Form" on EarlieHomes website

Contact_FullName: James L Webber
Contact_Title: chipbreakr@aol.com
Contact_WorkPhone: 563 852 7122
Contact_HomePhone: 563 852 3840

Comments:

I cannot attend the meeting on June 7th regarding rezoning for Scottsdale Estates however I strongly support the issue.
I am very interested in building a home there. Please keep me informed on the progress.

Thank You, J.L.Webber

Steve Sodell
From: Steve Sodell [sodellphx@qwest.net]
Sent: Thursday, May 26, 2005 11:37 AM
To: dbrantner@earliehomes.com
Subject: Scottsdale Estates

David,

Thanks for taking a few moments to speak with me regarding the Scottsdale Estates Project by Earlie Homes. My wife and i currently live in Tarantini Estates at 91st Street and Cactus. We are looking to stay in the area and upgrade from our current home with more square footage and a bigger backyard.

I am excited to see floorplans and pricing and would love the opportunity to purchase a home.

Here are my contact details. Please keep me posted on any new developments on this project. Look forward to meeting you on June 7th. Thanks.

Have a safe Memorial Day Weekend.

Steve and Honey Sodell

Steve and Honey Sodell
9181 E. Wethersfield Road
Scottsdale, AZ 85260

Phone # (602) 770-4350

COMMENT CARD

Name

DEE NANCY SCARFoglio

Address

8890 East CAROL Way Scottsdale 85260

Home Phone

480-451-5530

Cell Phone

Email

☒ YES - I support the Scottsdale Estates project

☐ NO - I do not support the Scottsdale Estates project

Comments

COMMENT CARD

Name

LARRY REBUCK

Address

8935 E LARKSPUR Dr.

Home Phone

480-949-8035

Cell Phone

602-369-3856

Email

reback@earthlink.net

☒ YES - I support the Scottsdale Estates project

☐ NO - I do not support the Scottsdale Estates project

Comments

COMMENT CARD

Name Chas Levinson MD
Address 5319 E Mitchell Dr
Home Phone 602 840 2813 Cell Phone 602 339 8187
Email _____

☒ YES - I support the Scottsdale Estates project

☐ NO - I do not support the Scottsdale Estates project

Comments owner of 2.6 acres 90th St & Cactus

COMMENT CARD

Name Helen Levinson
Address 5319 E Mitchell Dr.
Home Phone 602-840-2813 Cell Phone _____
Email Chirrowje@juno.com

☒ YES - I support the Scottsdale Estates project

☐ NO - I do not support the Scottsdale Estates project

Comments _____

COMMENT CARD

Name Robert LEVISON
Address 4701 N 68th St #248
Home Phone 480-600-8849 Cell Phone _____
Email LOWENS 15 @ Cox.net

☒ YES - I support the Scottsdale Estates project

☐ NO - I do not support the Scottsdale Estates project

Comments ~~Short & Sweet~~ perfect

COMMENT CARD

Name Joe Arnold
Address 9024 E Cactus Rd
Home Phone 480-391-2118 Cell Phone _____
Email Horsecraft @ Cox.net

☒ YES - I support the Scottsdale Estates project

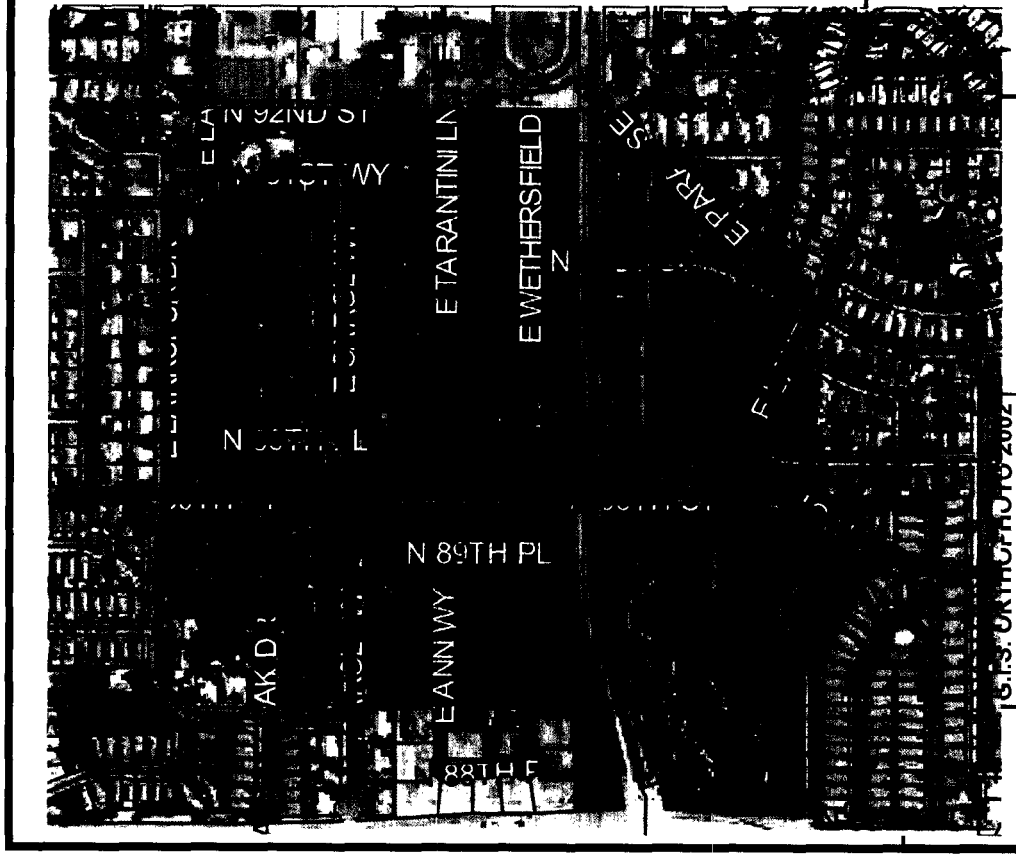
☐ NO - I do not support the Scottsdale Estates project

Comments _____

**90th Street Cactus
Phone Conversation Log**

Date	Time	Name	Phone Number(s)	Address	Parcel #	Call Detail	Mail Pkg?
3/17/05	3:13p	Singh	602.494.4660 H 602.405.0341 M	5402 E. Hillary Drive, Scottsdale, AZ 85254	217-60-159	No objections per cell conversation to single level/no observation deck. No need to meet. Put on list to buy model home.	25-Mar
3/18/05	4:26p	Lacina	480.614.5714 H	8959 E. Carol Way, Scottsdale, AZ 85260	217-24-983	No objections. Wanted to make sure no observation decks/patios within setbacks. Mail landscape pkg.	25-Mar
3/21/05	11:29a	Dinges	480.614.1225 H	12297 N. 89th Place, Scottsdale, AZ 85260	214-60-162	Call when pkg is ready & schedule a time to meet.	25-Mar
3/22/05	9:30a	Rochman	480.998.0022 H	12424 N. 90th Street, Scottsdale, AZ 85260	217-41-716	Says "Good - glad it's not a gas station or office bldg". Mail her a pkg and she will talk to neighbors for support.	25-Mar
3/24/05	9:27a	Rome	480.551.6851 M	9034 E. Paradise Drive, Scottsdale, AZ 85260	217-48-083	Homeowner says "Yes"	25-Mar
3/31/05		Spong	480.860.9169 H	9098 E. Paradise Drive, Scottsdale, AZ 85260	217-48-079	David L/M for Homeowner (return call)	4-Apr
4/5/05	12:55p	Golomb	480.661.0997 H	9025 E. Carol Way, Scottsdale, AZ 85260	217-41-735	Very excited and we have her full support.	4-Apr

City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

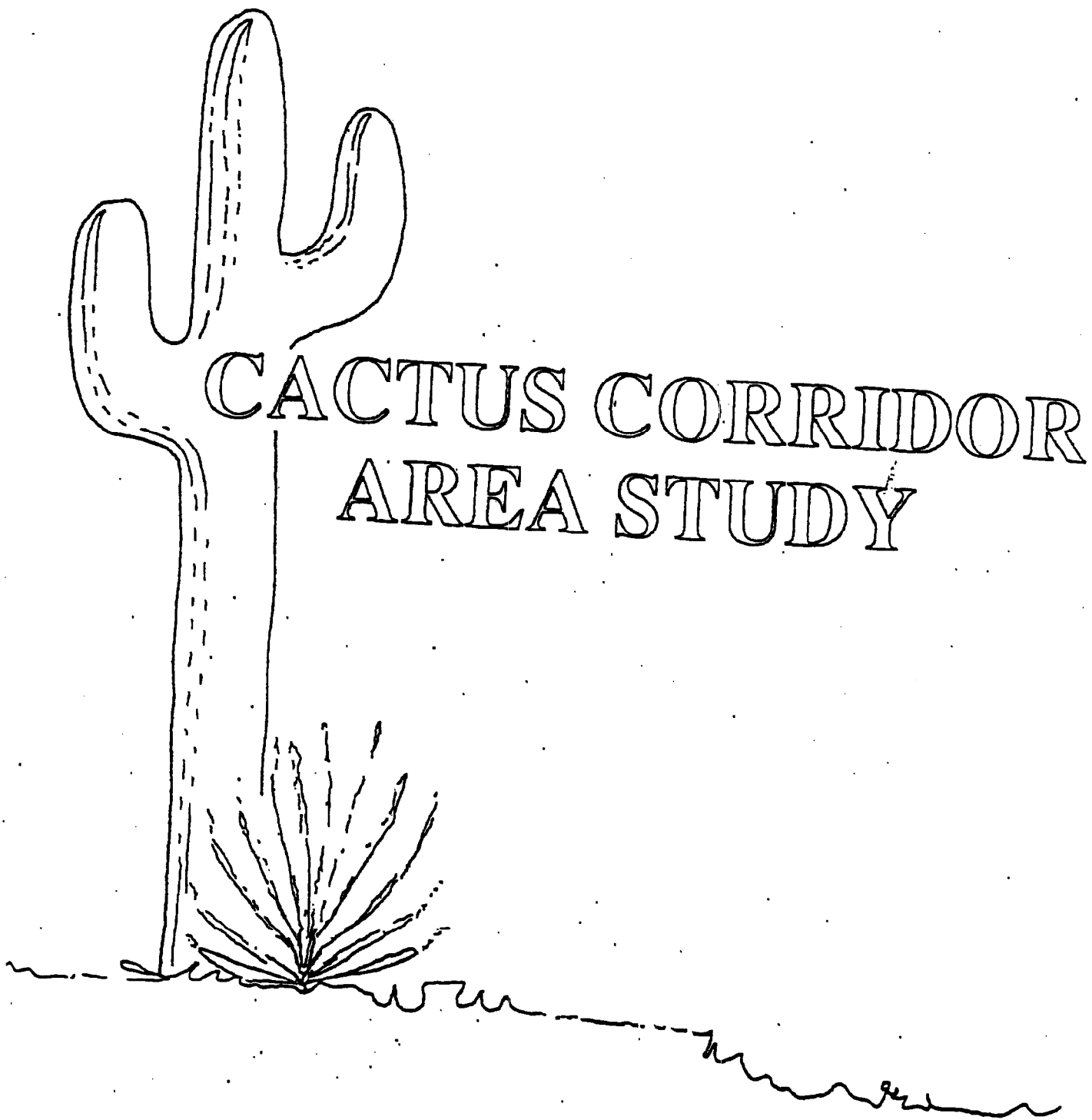
Additional Notifications:

- Beryessa Homeowners Association Inc.
- Cactus Corridor
- Mission Santa Fe Homeowners Association
- Paradise Estates (aka Trailside Estates)
- Pima Vista HOA
- Scottsdale Mountain View Estates HOA
- Sierra Sunrise HOA
- Tarantini Estates Homeowners' Association
- Trailside at Manzanita Ranch

90th & Cactus

8-ZN-2005

ATTACHMENT #8



The Cactus Corridor Study Area encompasses a diverse neighborhood. The heart of the area consists of low density residential lots ranging from 35,000 square feet to 2-1/2 acres, with minimal street improvements, and large front yard setbacks. In addition, the equestrian lifestyle is evident in an informal back yard setting, or as found in a larger ranch operation. The age of the housing is relatively equal in terms of what has been built in the past 10 years, and that which is older. The edges of the Corridor consist of suburban single family housing, with multi-family housing clustered at activity centers.

BACKGROUND ISSUES -

- 1) The equestrian experience for the current owners of larger properties has been declining over the years. They feel the adjacent suburban densities preclude a viable use of their property for horse related activities, and would therefore like to transition to development of like character. In addition to the land dynamics of the area, the economic picture for the equestrian business has faltered, thus leaving some ranches facing uncertain futures.
- 2) The development community has expressed interest in building a semi custom type of home on a medium sized lot. A potential match could happen through the re-use of equestrian properties.
- 3) Homeowners within the existing low density areas are concerned about the character created by new development and the trend toward smaller lots, project walls, and internalized site planning.

RECOMMENDATIONS

The following amendments to the General Plan are recommended:

CHARACTER

For areas west of 96th Street, the Suburban character is recommended. This change would allow the equestrian properties to redevelop with a semi-custom product while also matching densities established on the north and south of Cactus Road.

For areas east of 96th Street, the existing rural character is recommended to continue. Development in this area should reflect a low density, and where feasible, an equestrian flair. Development should also be compatible with the existing neighborhood. To reinforce this theme, the name "CACIUS ACRES" should be used to describe this unique district of the city. It is also recommended that a special streetscape treatment be designed for Cactus, Rd., 96th St., and 104th St. Potential components of this program would be district gateways and neighborhood entries, a street tree program, an informal path, landscaping, and rural/western fencing.

LAND USE

The attached map illustrates a recommendation for categories 13 and 14 to be applied to specific areas west of 96th Street. There is no recommended change in land use for areas east of 96th Street; however, flexibility should be allowed to review projects on a case by case basis.

CIRCULATION

No change in street classification is recommended. However, it is recommended that a neighborhood level trail loop be established. This trail would provide an inner connection between the neighborhood and other planned or existing trails. The creation of this circuit would require participation of the Cactus Acres property owners.

GENERAL PLAN LAND USE DESIGNATIONS



RESIDENTIAL

- 10 1/5 DU/AC
- 11 1/3 - 1/2 DU/AC
- 12 1/2 - 1 DU/AC
- 13 1 - 2 DU/AC
- 14 2 - 4 DU/AC
- 15 4 - 8 DU/AC
- 16 8 - 12 DU/AC
- 17 12 - 22 DU/AC
- 18 Tourist Accommodations
- 19 Low Intensity Resort

SERVICE/EMPLOYMENT

- 21 Neighborhood Commercial
- 22 General Commercial
- 31 Minor Office
- 32 Major Office
- 33 Minor Employment
- 34 General Employment
- 36 Research and Development

SPECIAL USE AREAS

- 41 Natural Open Space
- 42 Limited Use Area
- 43 Developed Open Space
- 44 Cultural / Institutional
- 45 Utilities

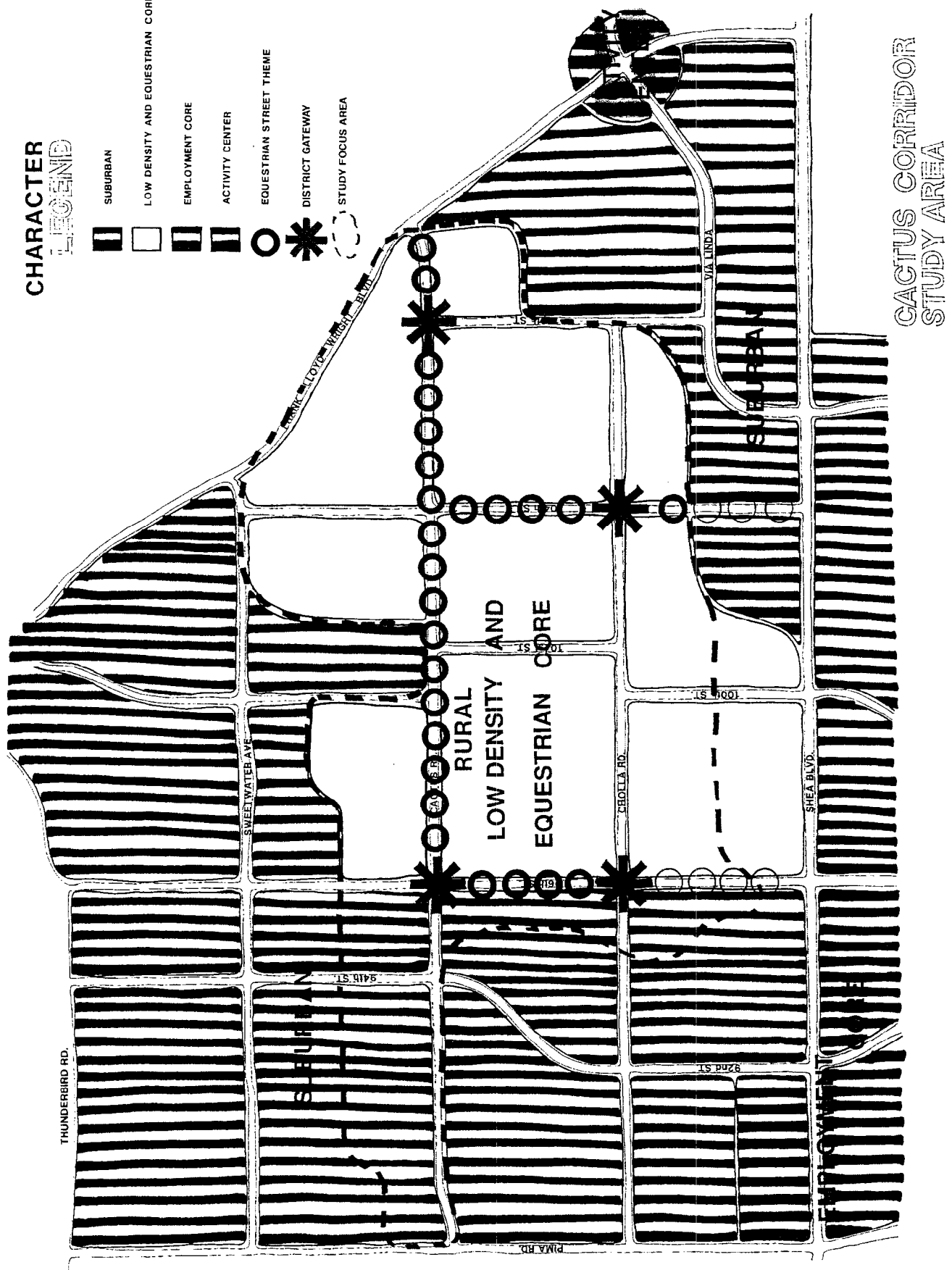


CACTUS CORRIDOR
STUDY AREA

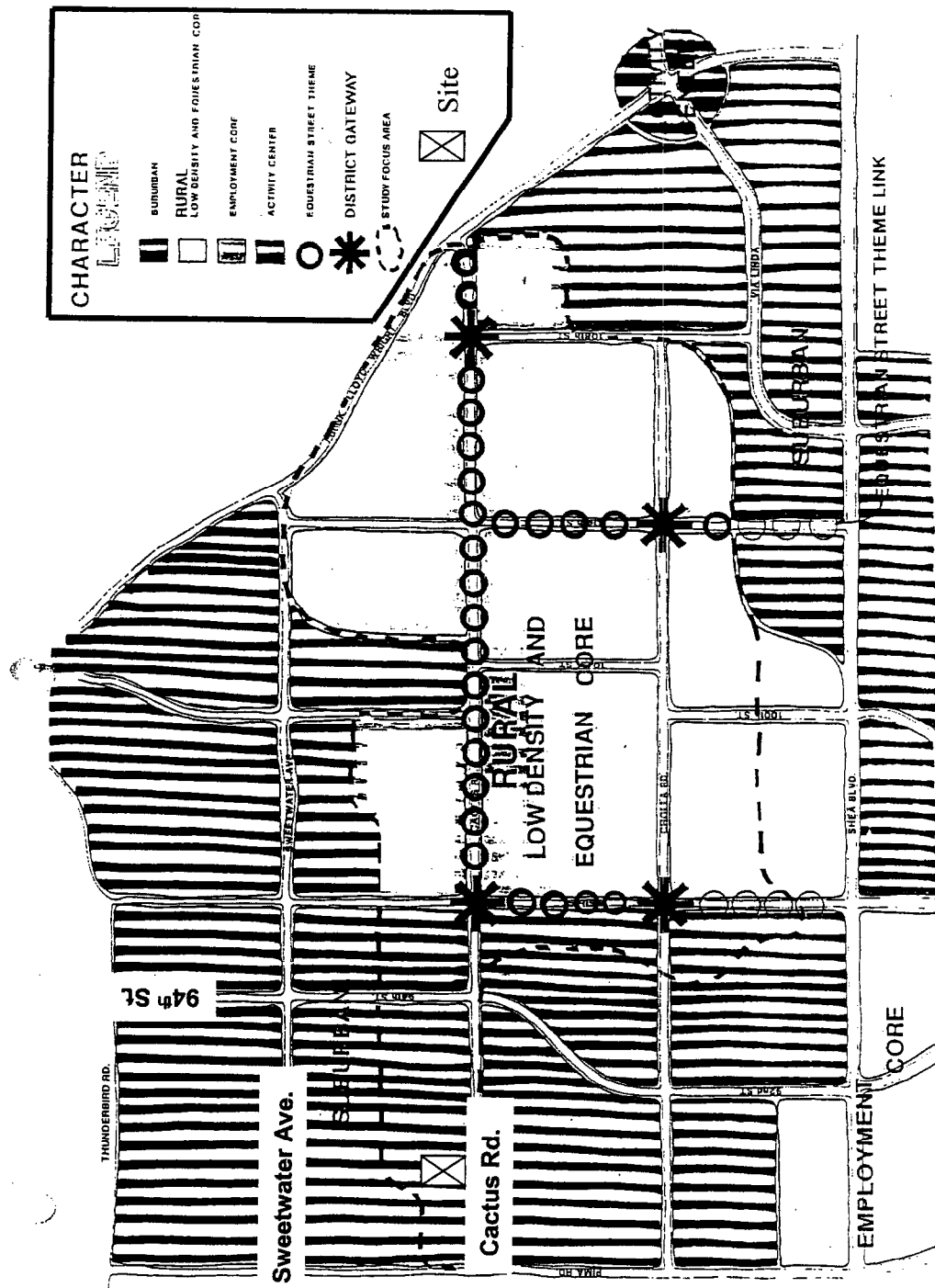
APPROVED 5/5/92

CHARACTER LEGEND

- SUBURBAN
- LOW DENSITY AND EQUESTRIAN CORE
- EMPLOYMENT CORE
- ACTIVITY CENTER
- EQUESTRIAN STREET THEME
- DISTRICT GATEWAY
- STUDY FOCUS AREA

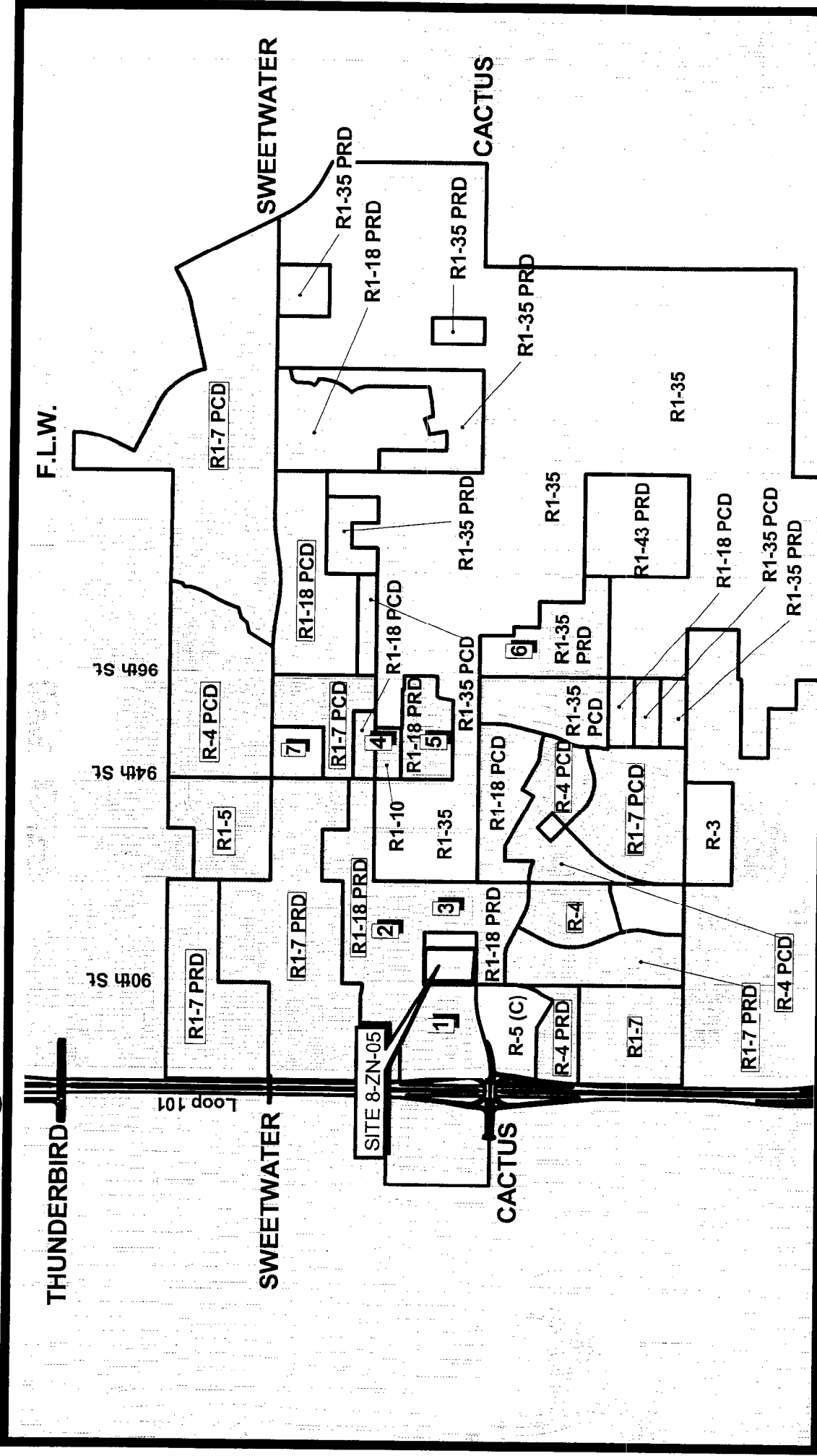


CACTUS CORRIDOR STUDY AREA



Cactus Corridor Study Area: Suburban Character

Area Zoning



Rezoning Case Legend

- 1: 30-ZN-2000: R1-35 to R1-18 PRD
- 2: 26-ZN-1991: R1-35 to R1-18 PRD
- 3: 44-ZN-1994: R1-35 to R1-18 PRD
- 4: 25-ZN-1992: R1-35 to R1-10
- 5: 8-ZN-1995: R1-35 to R1-18 PRD
- 6: 2-ZN-1992: R1-35 to R1-35 PRD
- 7: 16-ZN-2004: R1-35 to R1-10 PRD

ATTACHMENT #10



was ten feet wide by five feet high on a one foot base would be adequate. Signage for special events could be handled as a separate issue. He further opined that time had not been productively spent in this instance and hopes that in the future it will be possible to work with staff and resolve this matter.

Chairman Gulino asked about staff involvement in the process and expressed the hope that things could be efficiently dealt with. Mr. Grant explained that staff were concerned that any amendment be written such that there were no unforeseen consequences or loopholes that would allow more signs than anticipated.

COMMISSIONER SCHWARTZ MOVED TO CONTINUE CASE 23-ZN-2004 (SCOTTSDALE AND LONE MOUNTAIN) AND CASE 7-TA-2004 (SCENIC CORRIDOR SIGNAGE TEXT AMENDMENT) TO THE AUGUST 24, 2005 PLANNING COMMISSION HEARING. SECONDED BY COMMISSIONER HEITEL. THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

EXPEDITED AGENDA

COMMISSIONER HEITEL MOVED TO APPROVE ITEM 10-UP-2005 (BE FIT STAY FIT), NOTING THAT IT MET THE CRITERIA OF THE USE PERMIT; ITEM 10-AB-2005 (PRINCESS MIXED USE); ITEM 20-ZN-2004 (LA ROSA PLACE) AND ITEM 8-ZN-2005 (90TH AND CACTUS) INCLUDING THE REVISED STIPULATIONS. SECONDED BY COMMISSIONER BARNETT. THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

9-ZN-2005 (STONEMAN TRAIL)

[BEGIN VERBATIM RECORD]

CHAIRMAN GULINO: We'll now move on to our first item of the regular agenda and let me remind anybody here that would like to speak on the cases on the regular agenda that there are cards at the staff table. And if you would please get those turned in to us right away I'd appreciate it. All right.

MS. WAUWIE: Thank you. Chairman Gulino and members of the Board, I'm Kira Wauwie, project coordination manager for the Planning Department. I'd like to first make sure you're aware that in front of you, you have amended stipulations, page 1 and page 2. We added a stipulation number 5 regarding building height, and we revised the first row of the transportation stipulation number 1 to reflect the existing right of way width and to highlight a total word on the improvements required. So this is a request for rezoning of a property that currently has R-1 190 ESL zoning. The request is to change that to R-143 ESL. The site is located on the south side of Stagecoach Pass west of Windmill Road and it's this rectangular property that is oriented in a north-south direction.

SCOTTSDALE MOUNTAIN VIEW ESTATES, UNIT II, 348-16 M.C.R.

OWNER/DEVELOPER

TABLE HOMES
15000 N. MOUNTAIN VIEW AVENUE, SUITE 107
PHOENIX, ARIZONA 85015
(602) 954-3525
FAX: (602) 954-6840
CONTACT: DAVID BRANTNER

ENGINEER

BROOKS ENGINEERS & SURVEYORS, INC.
15000 N. MOUNTAIN VIEW AVENUE, SUITE 107
PHOENIX, ARIZONA 85015
(602) 437-3733
FAX: (480) 858-0204
CONTACT: MICHAEL R. SILVANI, P.E., R.L.S.

PLANNER

PLAN CONSULTING
9823 E. LOMPOC AVENUE
SUITE 100, SCOTTSDALE, ARIZONA 85262
(480) 407-8877
FAX: (480) 807-8337
CONTACT: GREG DAVIS

CONCEPTUAL
RETENTION
CALCULATIONS:

REQUIRED VOLUME
V=CP/12A
C=0.63
I=2.82 IN. (100"-Y", 2"-I")
A=5.988 ACRES - NET
Required = 38,207 GALL.
Provided = 45,503 GALL.

REVISIONS
12/01/00 - SMALL - 4-4-00



BROOKS ENGINEERS & SURVEYORS, INC.
15000 N. MOUNTAIN VIEW AVENUE, SUITE 107
PHOENIX, ARIZONA 85015
(602) 954-3525
FAX: (602) 954-6840
CONTACT: DAVID BRANTNER

DESIGNED BY: [Signature]
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SCALE (HORIZONTAL): 1"=40'
SCALE (VERTICAL): 1"=40'
DATE: 5/18/05
JOB NUMBER: 1227-OFF
SHEET: 10-1

90th ST. and CACTUS RD. CONCEPT PLAT

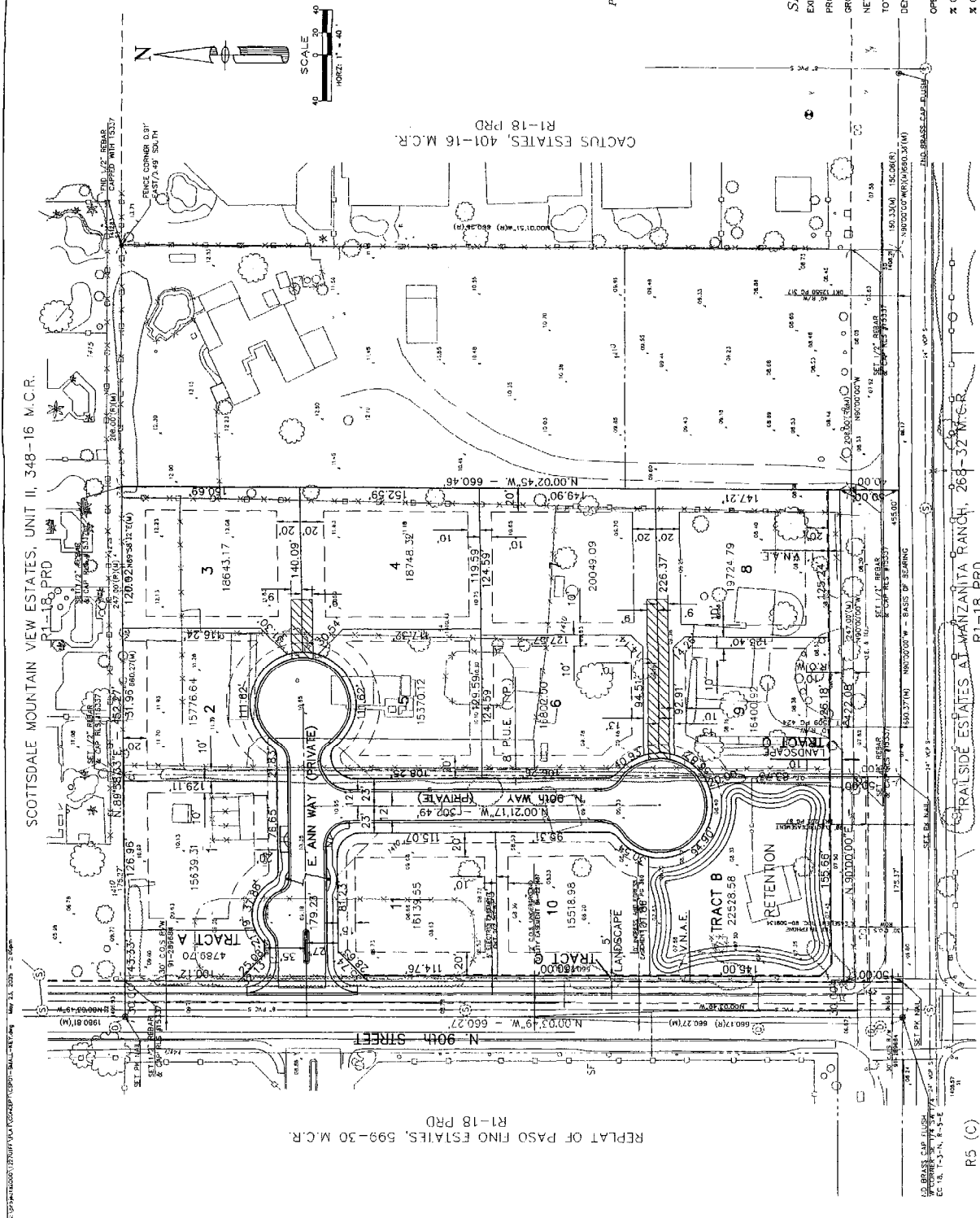
PROPOSED DEVELOPMENT STANDARDS R1-18 P.R.D.

Development Standard	City Standard	Proposed Standard
Lot Area	10,000 sq. ft.	10,000 sq. ft.
Lot Width	100'	100'
Front Setback	30'	20'
Side Setback	30'	20'
Front Street Setback	10'	10'
Side Street Setback	10'	10'
Street Right of Way	15'	15'

SITE DATA

EXISTING ZONING: R1-43
PROPOSED ZONING: R1-18 PRD
GROSS ACREAGE: 6.8549 AC
NET ACREAGE: 5.9188 AC
TOTAL LOTS: 11
DENSITY: 1.36 UNITS/AC
OPEN SPACE/RETENTION: 0.7956 AC
% OPEN SPACE (GROSS): 11.61%
% OPEN SPACE (NET): 13.44%

ATTACHMENT #12
8-ZN-2005
6-3-05



REPLAT OF PASO FINO ESTATES, 599-30 M.C.R.

R5 (C)